**South Carolina General Assembly**

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**S. 672**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rice

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Introduced in the Senate on March 23, 2023

Currently residing in the Senate Committee on **Judiciary**

Summary: Missing persons

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/23/2023 Senate Introduced and read first time ([Senate Journal‑page 8](h:\sj\20230323.docx))

3/23/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](h:\sj\20230323.docx))

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**VERSIONS OF THIS BILL**

[03/23/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/672_20230323.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “HELP find the missing ACT”; AND BY ADDING SECTION 23‑1‑260 SO AS TO DEFINE CERTAIN TERMS, PROVIDE CIRCUMSTANCES WHEN CORONERs OR MEDICAL EXAMINERs MUST REFER DECEDENTS’ BODies FOR EXAMINATION TO SLED’S FORENSIC SERVICES LABORATORY which must retain and furnish certain information about the persons to the national missing and unidentified persons system, to require the collection of dental records by law enforcement agencies of persons who are subjects of missing persons reports under certain circumstances, to provide for the reporting of missing persons in certain databases, to require sled to adopt rules relating to the dissemination of missing persons’ records, to provide law enforcement agencies may not establish or maintain policies which require a waiting period before accepting and investigating missing child reports and must enter the reports into the national crime information center, to provide when missing persons are found, law enforcement agencies must inform sled and the national institute of justice that the persons have been found, to provide this section does not prohibit certain agencies and persons from maintaining case files related to missing citizens or unidentified bodies, and to provide SLED shall perform annually a compliance review of the provisions contained in this section.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Help Find the Missing Act”.

SECTION 2. Chapter 1, Title 23 of the S.C. Code is amended by adding:

Section 23‑1‑260. (A) As used in this section:

(1) “Missing citizen” means:

(a) a person whose age at the time the person is first reported missing is sixty years of age or older, whose whereabouts are unknown, and who is believed to be in danger because of age, health, mental health conditions, or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance;

(b) a person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, who is believed to be in danger because of the dementia or a physical impairment, and is believed to be unable to return to safety without assistance; or

(c) a person whose age at the time the person is first reported missing is eighteen years of age or older; whose whereabouts are unknown; who has an intellectual, developmental, or physical disability; and who is believed to be in danger because of the disability or is believed to be unable to return to safety without assistance; and

(2) “Unidentified body” means human remains which are unidentified after all available methods have been exhausted.

(B) In all cases in which the county coroner or medical examiner is not satisfied with a decedent’s identification, the body shall be referred for examination to the SLED Forensic Services Laboratory.

(C) The SLED Forensic Services Laboratory shall retain and furnish the National Missing and Unidentified Persons System created by the United States Department of Justice’s National Institute of Justice (NamUs), if physically possible, copies of fingerprints on standardized eight inch by eight inch fingerprint cards or the equivalent digital image, prints or partial prints of any fingers, any forensic odontology report concerning the body, detailed personal descriptions, DNA results, and all other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the coroner or medical examiner and who remain unidentified after all available methods have been exhausted.

(D) When a person makes a report of a missing person or missing child to a law enforcement agency, the agency immediately shall request a member of the family or next of kin of the missing person or missing child to authorize the release to the law enforcement agency the dental records of the person reported missing. If the person reported missing is still missing thirty days after the report is made, the law enforcement agency shall deliver the release to the dentist of the missing person and request the dentist to deliver the records, including dental x‑rays, to the law enforcement agency.

(E) If the person reported missing has not been found within the first thirty days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted and that the dental records are necessary for the exclusive purpose of furthering the investigation. The written declaration, signed by a law enforcement officer, is sufficient authority for a dentist to release the missing person’s dental records, including dental x‑rays, to the law enforcement agency. Upon receipt of a properly executed release and request or declaration, the dentist shall forward the dental records, including dental x‑rays, to the law enforcement agency, where a file shall be maintained concerning persons reported as missing and who have not been reported as found. Within ten days of receipt, a copy of the dental records, including x‑rays, shall be forwarded to NamUS by the law enforcement agency or SLED.

(F) Whenever a law enforcement agency determines that a person is a missing citizen, or that an unidentified living person may be a missing citizen, the law enforcement agency shall enter the report of the missing citizen in any database of missing persons currently required by their agency, into any missing person database utilized by SLED and into NamUs.

(G) If SLED receives the report of a missing citizen, SLED shall maintain a record of the case file. SLED shall adopt rules relating to the dissemination of the records. The rules shall require that, pursuant to this subsection, the process of releasing the records shall take no longer than forty‑eight hours from the time SLED receives a report that a citizen, for whom there is a previous record, is missing. The record may be disseminated if the individual to whom the record pertains is reported missing on a subsequent occasion or if needed for evidentiary purposes in any civil litigation against SLED or its personnel that arises from the investigation. If there are grounds for a criminal action arising from the investigation, nothing in this subsection shall prohibit SLED from allowing the records to remain until the criminal action is concluded or otherwise resolved.

(H) The information contained in SLED’s missing person files shall be made available to NamUs and to law enforcement agencies attempting to locate missing persons.

(I) No law enforcement agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a missing child report. Upon receipt of a report of a missing child, a law enforcement agency shall enter the child into the National Crime Information Center pursuant to federal bureau of investigation mandate, which is two hours from the time the child is reported missing to law enforcement.

(J) When a person previously reported missing has been found, the sheriff, chief of police, coroner, medical examiner, or other law enforcement agency shall report to SLED and to NamUs within twenty‑four hours that the person has been found.

(K) Nothing in this section prohibits law enforcement agencies, coroners, or medical examiners from maintaining case files related to missing citizens or unidentified bodies.

(L) SLED shall perform a compliance review of the provisions contained in the section on an annual basis.

SECTION 3. This act takes effect upon approval by the Governor.

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